

**04-277 NATIONAL CABLE & TELECOMMUNICATIONS ASSOC., ET AL.
V. BRAND X INTERNET SERVICES, ET AL.**

DECISION BELOW: 345 F.3d 1120 (9th Cir. 2003)

QUESTION PRESENTED

Whether, under the framework set out in *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), the FCC was entitled to decide that, for purposes of regulation under the Communications Act, cable operators offering so-called "cable modem service" (high-speed Internet access over cable television systems) provide only an "information service" and not a "telecommunications service."

Cert. Granted 12/3/04
Consolidated with 04-281

04-281 FCC, ET AL. V. BRAND X INTERNET SERVICES, ET AL.

DECISION BELOW: 345 F.3d 1120 (9th Cir. 2003)

QUESTION PRESENTED

Whether the court of appeals erred in holding that the Federal Communications Commission had impermissibly concluded that cable modem service is an "information service," without a separately regulated telecommunications service component, under the Communications Act of 1934, 47 U.S.C. 151 *et seq.*

Cert. Granted 12/3/04
Consolidated with 04-277